* **HIGH COURT OF DELHI : NEW DELHI**

\+ **W.P.(C) 801/2006**

% Decided on: February 01, 2006

RAJIV SHARMA ..... Petitioner
Through Mr.Umesh Sharma

versus

N.D.M.C. ..... Respondent
Through Ms.Anjana Gosain

Coram:

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MADAN B. LOKUR

1. Whether the Reporters of local papers may be allowed to see the judgment?

2. To be referred to Reporter or not?

3. Whether the judgment should be reported in the Digest?

MARKANDEYA KATJU, CJ (ORAL) :

CM No.1232/2006 (Restoration)

The application is allowed and the petition is restored to its original number.

Signature Not Verified
Digitally Signed By:AMULYA
Signing Date:20.09.2023 16:30
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CM stands disposed of.

W.P.(C) 801/2006

1. Heard learned counsel for the parties and perused the record.

2. The Petitioner submitted that his tender was the lowest and hence the contract was arbitrarily not awarded to him.

3. Ms.Anjana Gosain, learned counsel for the NDMC appeared before us on advance notice and stated that according to the Respondent even the lowest tender of the Petitioner was 24% higher than the estimated cost and hence the Respondent has gone in for a re-bid.

4. It is well settled in law that even the lowest tenderer has no absolute and indefeasible right to get the contract. No doubt, the authorities cannot take a decision not to award him the contract on extraneous and arbitrary grounds, but if there is a plausible ground for not awarding the contract to the lowest tenderer, then this Court cannot sit as a court of appeal over that decision. In the present case, there was a good ground for going in for a re-bid.

5. It is well settled that the modern trend is towards judicial restraint regarding administrative decisions vide ***Tata Cellular vs. Union of India, AIR 1996 SC 11.***

6. For the reasons given above, we see no merit in this petition.

Dismissed.

CHIEF JUSTICE

MADAN B. LOKUR, J

FEBRUARY 01, 2006
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